



03650.000125

*DAK*  
*ZZW*  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
ALAN SELLINGER	)	Examiner: W. Markham
Application No.: 09/749,006	)	Group Art Unit: 1762
Filed: December 27, 2000	)	
For: SELF-ASSEMBLY OF	)	
ORGANIC-INORGANIC	)	
NANOCOMPOSITE THIN FILMS	)	
FOR USE IN HYBRID ORGANIC	)	
LIGHT EMITTING DEVICES	)	
(HLED)	)	
U.S. Patent No. 6,861,091	)	
Issued: March 1, 2005	)	March 31, 2005

Office of Petitions  
Box DAC  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST UNDER 37 C.F.R. § 1.705(d)  
FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Sir:

Patentees hereby request under 37 C.F.R. § 1.705(d) reconsideration and recalculation of the Patent Term Adjustment (PTA) for the above-identified patent. A check for \$200.00 to cover the fee set forth in 37 C.F.R. § 1.18(e) for filing an application for patent term adjustment is enclosed.

Pursuant to MPEP § 1002.02(b), it is believed that this Request should be directed to the Office of the Deputy Commissioner for Patent Examination Policy.

For the following reasons, this patent is believed to be entitled to a PTA of 829 days.

04/05/2005 MBEYENE2 00000007 09749006

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200.00 DP

## FACTS

1. The present patent application issued from Application No. 09/749,006 filed on December 27, 2000.
2. The present patent is not subject to any Terminal Disclaimers.
3. A printout from the Patent Application Information Retrieval (PAIR) system (copy attached, with hand-marked corrections) indicates a U.S. Patent and Trademark Office (USPTO) delay period of 829 days (817 days for its delay in mailing out a Restriction Requirement, and 12 days for its delay in sending out the Notice of Allowance). This determination is not disputed.
4. The PAIR system indicates an Applicant delay of 92 days for “workflow-drawings finished” on November 30, 2004. However, the USPTO did not require new formal drawings until the Notice of Allowance dated November 2, 2004. Applicant timely filed new formal drawings 28 days later, on November 30, 2004, and did not fail to engage in reasonable efforts to conclude prosecution of the application. Thus, the 92 day delay is disputed.

## ARGUMENT

1. It is respectfully submitted that the USPTO improperly charged Applicant with a 92 day delay for filing formal drawings in response to a requirement made by the Examiner in the Notice of Allowance dated November 2, 2004. The Notice of Allowance set a three month period for response, and Applicant hand-filed formal drawings only 28 days later, on November 30, 2004, well in advance of the three month

period for response. Applicant therefore respectfully submits that there was no delay on Applicant's part.

2. 37 C.F.R. § 1.704(a) specifies that the period of adjustment will be reduced by a period equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution of the application. 37 C.F.R. § 1.704(b) specifies that an applicant shall be deemed to have failed to engage in reasonable efforts to conclude prosecution of the application "for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant". Here, the USPTO issued a Notice of Allowance on November 2, 2004 including a requirement for new formal drawings, to which Applicant responded 28 days later, well within the three month period set forth in § 1.704(b). Accordingly, Applicant respectfully submits that the delay charged to Applicant is in error and should be withdrawn.

#### RELIEF REQUESTED

Reconsideration of PTA is respectfully requested, so as to omit the 92 days charged to Applicant for a delay in the filing of formal drawings, which were filed in direct response to the Notice of Allowance dated November 2, 2004, thereby resulting in a Patent Term Adjustment of 829 days.

Patentee's undersigned attorney may be reached in our Costa Mesa office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael K. O'Neill", is written over a horizontal line.

Attorney for Patentee  
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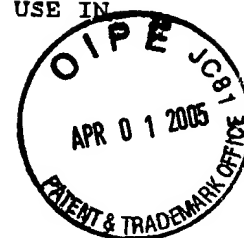
09/749,006

SELF-ASSEMBLY OF ORGANIC-INORGANIC NANOCOMPOSITE THIN FILMS FOR USE IN

HYBRID ORGANIC LIGHT EMITTING DEVICES (HLED)

Patent Term Adjustment History

6,861,091



817+12 = 829

Patent Term Adjustment (PTA) for Application Number: 09/749,006			
			Days
Filing or 371(c) Date:	12-27-2000	USPTO Delay (PTO):	829
Issue Date of Patent:	03-01-2005	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	92
Post-Issue Petitions (days):	+0	Total PTA:	737
USPTO Adjustment (days):	+0	Explanation Of Calculations	

## Patent Term Adjustment History

Date	Contents Description	PTO (Days)	APPL (Days)
03-01-2005	Patent Issue Date Used in PTA Calculation		
02-09-2005	PTA 36 Months		
01-21-2005	Receipt into Pubs		
01-20-2005	Dispatch to FDC		
01-20-2005	Application Is Considered Ready for Issue		
01-18-2005	Receipt into Pubs		
01-05-2005	Issue Fee Payment Verified		
01-05-2005	Issue Fee Payment Received		
11-30-2004	Workflow - Drawings Finished	*	92
11-30-2004	Supplemental Papers - Oath or Declaration	*	*
11-12-2004	Workflow - File Sent to Contractor	*	*
11-02-2004	Mail Notice of Allowance	12	
10-29-2004	Notice of Allowance Data Verification Completed	*	
10-18-2004	Receipt of all Acknowledgement Letters	*	
10-05-2004	Mail Examiner Interview Summary (PTOL - 413)	*	
10-05-2004	Mail Examiner's Amendment	*	
09-20-2004	Examiner's Amendment Communication	*	
09-20-2004	Notice of Allowability	*	
09-14-2004	Examiner Interview Summary Record (PTOL - 413)	*	
07-14-2004	Date Forwarded to Examiner	*	
06-21-2004	Response to Election / Restriction Filed	*	
06-21-2004	Workflow incoming amendment IFW	*	
05-24-2004	Mail Restriction Requirement	817	
05-21-2004	Requirement for Restriction / Election	*	
03-25-2002	Case Docketed to Examiner in GAU	*	
01-14-2002	Case Docketed to Examiner in GAU	*	
11-09-2001	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated	*	
07-02-2001	Change in Power of Attorney (May Include Associate POA)	*	

11-30 to 3-1-92 (lost 92 days  
part No 6A for this)

07-02-2001	Correspondence Address Change		
07-02-2001	Change in Power of Attorney (May Include Associate POA)		*
06-21-2001	Case Docketed to Examiner in GAU		*
04-26-2001	Transfer Inquiry		*
04-17-2001	Transfer Inquiry		*
03-28-2001	Application Dispatched from OIPE		*
03-26-2001	Correspondence Address Change		*
01-18-2001	IFW Scan & PACR Auto Security Review		*
12-27-2000	Initial Exam Team nn		*

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